

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**May 6, 2005**

**IN RE: COMPLAINT BY AENEAS  
COMMUNICATIONS LLC AGAINST  
BELLSOUTH TELECOMMUNICATIONS  
ALLEGING ANTICOMPETITIVE BUSINESS  
PRACTICES**

**DOCKET NO.  
02-01274**

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**ORDER LEAVING DOCKET OPEN AND DIRECTING  
PARTIES TO PROVIDE CASE STATUS**

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This matter came before Director Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 14, 2005 for consideration of whether the above-captioned docket should be closed.

On December 5, 2002, the Authority received a letter from Aeneas Communications, LLC ("Aeneas") alleging "questionable" trade practices by BellSouth Telecommunications, Inc. ("BellSouth"). The Authority forwarded the letter to BellSouth and requested a response thereto within thirty days. After receiving BellSouth's data response, the Authority issued an Order on September 22, 2005<sup>1</sup> directing the Parties to attempt to resolve the dispute or to at least narrow the issues. This Order also designated a mediator to dispose of any issues that remain unresolved by the Parties. Should the mediation prove unsuccessful, the Authority directed Aeneas to reassert the matter in a filing consistent with Tenn. Comp. R. & Regs. 1220-1-2-.09.

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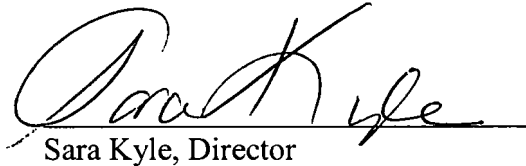
<sup>1</sup> See *Order Directing Parties To Meet To Resolve Disputed Matters, Appointing Mediator And Permitting Filing Of Complaint* (September 22, 2003)

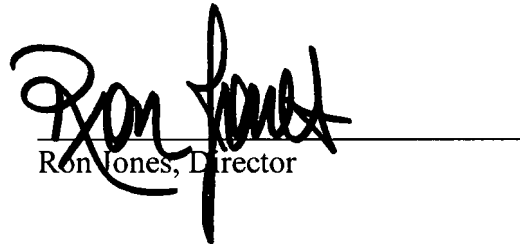
At the regularly scheduled Authority Conference held on March 14, 2005 the Authority noted that it had not received any correspondence from the Parties regarding the status of negotiations. In fact, two requests for status reports issued by the TRA on May 14, 2004 and August 4, 2004 were unanswered. The Authority has received only one status report which was submitted by Aeneas on March 14, 2005. Nevertheless, Aeneas requested that the above-captioned docket be left open so that the Authority may settle any matters which remain unresolved by the Parties, and BellSouth did not object to Aeneas' request.

**IT IS THEREFORE ORDERED THAT:**

1. The above-captioned docket shall remain open.
2. The Parties are directed to each file a brief statement describing the status of their negotiations every sixty days after March 14, 2005.

  
Deborah Taylor Tate, Director

  
Sara Kyle, Director

  
Ron Jones, Director